

Title 7
Criminal

Table of Contents

RULE 7.0000	CALIFORNIA RULES OF COURT
RULE 7.0005	DELAY REDUCTION POLICY
RULE 7.0010	TIME STANDARDS
RULE 7.0015	SECTION 995 P.C. MOTIONS
RULE 7.0018	DECLARATION IN SUPPORT OF ARREST WARRANT
RULE 7.0020	PRELIMINARY EXAMINATION SETTINGS
RULE 7.0030	COMPLAINTS REGARDING DEFENDANTS UNDER 18 YEARS OF AGE
RULE 7.0035	TIME FOR FILING CHARGES
RULE 7.0039	COLLECTIONS OF FINES
RULE 7.0040	STATEMENT OF FINANCIAL CONDITION
RULE 7.0041	PAYMENT OF COURT ORDERED FINANCIAL OBLIGATIONS
RULE 7.0045	INFORMATION
RULE 7.0070	PAYMENT OF INVESTIGATORS AND EXPERTS IN CAPITAL CASES

- RULE 7.0075
DISCOVERY AND PRODUCTION OF DOCUMENTS
- RULE 7.0080
CLAIM OF INTEREST IN PROPERTY SEIZED
- RULE 7.0095
REINSTATEMENT AND EXONERATION OF BAIL
- RULE 7.0098
ALTERNATIVE BAIL ON MECHANICAL VIOLATIONS
- RULE 7.0100
BAIL REDUCTIONS OR INCREASES
- RULE 7.0150
REINSTATEMENT AND EXONERATION OF BAIL
- RULE 7.0200
TRIAL READINESS CALENDAR/TRIAL DATE
- RULE 7.0210
CLERK/FACSIMILE - FAX ARRAIGNMENT
- RULE 7.0215
MISDEMEANOR AND FELONY IN-CUSTODY ARRAIGNMENTS
- RULE 7.0250
APPEARANCE IN MISDEMEANOR PROCEEDINGS
BY COUNSEL/OWN RECOGNIZANCE RELEASE
- RULE 7.0255
REQUEST TO ADD A CASE ONTO CALENDAR
- RULE 7.0260
ACCEPTANCE OF PLEAS AND IMPOSITION OF SENTENCE IN
THE ABSENCE OF DEFENDANT
- RULE 7.0270
ENTRY OF PLEA ON INFRACTIONS WITHOUT COURT APPEARANCE
- RULE 7.0300
APPEARANCE IN FELONY PROCEEDINGS

RULE 7.5000
CRIMINAL LAW AND MOTION

RULE 7.5050
ACCEPTING PHOTOGRAPHS FOR BULKY AND HAZARDOUS WASTE
EXHIBITS IN LIEU OF ORIGINAL OBJECTS

RULE 7.5100
MOTIONS TO SUPPRESS EVIDENCE PURSUANT TO PENAL CODE SECTION
1538.5

RULE 7.5150
MOTIONS TO QUASH OR TRAVERSE WARRANTS

RULE 7.5200
SPEEDY TRIAL MOTIONS

RULE 7.5400
MOTIONS TO DISMISS PURSUANT TO P.C. 995

RULE 7.5500
MOTIONS TO CONTINUE

RULE 7.6000
SENTENCING STANDARDS

RULE 7.6005
EXTENSIONS OF MINOR OFFENSE VIOLATIONS

RULE 7.6200
PROBATION REVOCATION

RULE 7.7000
ORDER RE: CONVICTION SET ASIDE PLEA/DISMISSED PURSUANT 1203.4 &
1203.4A OF THE PENAL CODE (FELONY/MISDEMEANOR)

RULE 7.8000
SANCTIONS FOR UNEXCUSED ABSENCE OF ATTORNEY- CRIMINAL CASE

**TITLE 7
CRIMINAL**

**RULE 7.0000
CALIFORNIA RULES OF COURT**

Rules 203.5, 227.1 through 227.10, 228.1 - 228.2, 229, and 231 of the California Rules of Court shall apply as supplemented by the following local rules:

(Adopted 1-1-86; Amend. 10-23-93, eff. 1-1-94)

**RULE 7.0005
DELAY REDUCTION POLICY**

Added 10-23-93, eff. 1-1-94; Moved to Title 1 (Rule 1.0200) 10-17-98, eff. 1-1-99)

**RULE 7.0010
TIME STANDARDS**

Pursuant to Section 2.1 and 2.3 of the Standards of Judicial Administration and Rule 1.0200 the court will ensure that both the People and the defendant, by court order, have a specific date assigned for the completion of the next step in the litigation process, with the following goals :

- A. The goals for the disposition of all misdemeanor cases shall be:
 - 1. 90 percent within 30 days after the defendant's first court appearance;
 - 2. 98 percent within 90 days after the defendant's first court appearance; and
 - 3. 100 percent within 120 days after the defendant's first court appearance.
- B. The goals for felony cases, excluding special circumstances murder cases and others designated as "unusual" pursuant to Penal Code Section 987.05, shall be post-complaint disposition (by plea, holding order, or dismissal) of:
 - 1. 90 percent within 30 days after the defendant's first court appearance on a complaint;
 - 2. 98 percent within 45 days after the defendant's first court appearance on a complaint; and

3. 100 percent within 90 days after the defendant's first court appearance on a complaint.

- C. After arraignment on information or indictment, the goal for felony cases, excluding capital cases or others designated as "unusual" pursuant to Penal Code Section 987.05, shall be disposition within one year.

(Adopted 1-1-86; Amended 3-16-91, eff. 7-1-91; amend. 10-23-93, eff. 1-1-94; amend 10-17-98, eff. 1-1-99)

RULE 7.0015
SECTION 995 P.C. MOTIONS

(Deleted 10-23-93, eff. 1-1-94)

RULE 7.0018
DECLARATION IN SUPPORT OF ARREST WARRANT

Upon receipt of a request for a Declaration in Support of Arrest Warrant from a judicial officer, the Clerk's Office shall immediately forward the request to the arresting agency.

The arresting agency will have thirty (30) days to comply with the request. If the arresting agency does not provide the Court with the Declaration in Support of Arrest Warrant in a timely manner, the clerk shall place the case on calendar for an OSC Re: Dismissal Hearing approximately thirty (30) days thereafter. The Clerk's Office shall notify the District Attorney of the hearing with a copy of Discovery.

(Added 4-17-99, eff. 7-1-99)

RULE 7.0020
PRELIMINARY EXAMINATION SETTINGS

- A. Felony matters will be scheduled for preliminary examination in the venue wherein the offense allegedly occurred.

- B. Upon motion by either party, this rule may be waived upon the express concurrence and consent of the appropriate Supervising Judge of the venue wherein the offense occurred and the Supervising Judge for criminal law in the venue to which the case is to be transferred.

(Adopted 1-1-86; amended 10-23-93, effective 1-1-94; amended 10-22-94, effective 1-1-95; amended 10-17-98, effective 1-1-99; amended 1-1-03; amended 4-25-03, effective 7-1-03).

RULE 7.0025
ORDINANCE VIOLATIONS

Citations issued for allegations of violations of any ordinance of the county shall be filed in the Court of Venue.

(Added 4-25-98, eff. 7-1-98)

RULE 7.0030
COMPLAINTS REGARDING DEFENDANTS UNDER 18 YEARS OF AGE

In any criminal case, where on the face of the complaint it appears that the defendant was under the age of eighteen (18) years at the time of the commission of the charged offense, the District Attorney shall file a certified copy of the minute order and findings of unfitness made by the Superior Court pursuant to Welfare and Institution Code Section 707. Failure to present such documents for filing will constitute grounds for refusing to file the felony or misdemeanor complaint.

(Adopted 1-1-86; Amended 10-23-93, eff. 1-1-94).

RULE 7.0035
TIME FOR FILING CHARGES

Any complaint, Information, or Indictment shall be filed not later than 1:00 p.m. on the court day preceding the arraignment date.

(Adopted 1-1-86; Amend. 10-23-93, eff. 1-1-94).]

RULE 7.0039
COLLECTIONS OF FINES

Added 1-1-92; Moved to Title 1 (Rule 1.0210) 10-17-98, effective 1-1-99.

RULE 7.0040
STATEMENT OF FINANCIAL CONDITION

(Adopted 1-1-86; Moved to Title 1 (Rule 1.0215) 10-17-98, effective 1-1-99.

RULE 7.0041
PAYMENT OF COURT ORDERED FINANCIAL OBLIGATIONS

(Added 7-1-98; Moved to Title 1 (Rule 1.0220) 10-17-98, effective 1-1-99.

RULE 7.0045
INFORMATION

(Deleted 10-23-93, eff. 1-1-94)

RULE 7.0070
PAYMENT OF INVESTIGATORS AND EXPERTS IN CAPITAL CASES

1. The application for such funds shall be made by written affidavit and shall specify that the funds are reasonably necessary for the preparation and presentation of the case. The ruling on the reasonableness of the request shall be made at an in camera hearing before a judge of the court other than the trial judge presiding over the case.
2. The application, in camera hearing held, and approval for funds must occur prior to the hiring and utilization of such investigators and/or experts.
3. Confidentiality. The fact that the application has been made and the contents of the application shall be confidential.
4. Accounting. At the termination of the proceedings, the attorney shall furnish to the court a complete accounting of all money received and disbursed.
5. Compliance Required. No approval of funds shall be granted unless there is total compliance with these provisions.

(Adopted 1-1-86)

RULE 7.0075
DISCOVERY AND PRODUCTION OF DOCUMENTS

(Adopted 10-27-90, eff. 1-1-91; Amend. 3-16-91, eff. 7-1-91; Deleted 10-23-93, eff. 1-1-94)

RULE 7.0080
CLAIM OF INTEREST IN PROPERTY SEIZED

(Adopted 1-1-86; Repealed 6-1-90)

RULE 7.0095
REINSTATEMENT AND EXONERATION OF BAIL

(Added, eff. 1-1-88; deleted 10-23-93, eff. 1-1-94)

RULE 7.0098
ALTERNATIVE BAIL ON MECHANICAL VIOLATIONS

The Bail Schedule for Mechanical Violations shall remain as previously set. Specifically, other than violations issued pursuant to Vehicle Code 40610, the alternative bail amounts (e.g. low bail with corrections - high bail without corrections) previously set shall continue to be exclusively followed by the Clerk of the Court and used as a guideline by Court Commissioners.

(Added 4-25-98, eff. 7-1-98)

RULE 7.0100
BAIL REDUCTIONS OR INCREASES

When bail has been set, all requests for an increase or reduction of said bail shall be made to the judge who set such bail in accordance with Sections 1269(c), 1270, 1270.1, 1270.2, 1289, 1320 of the Penal Code except as follows:

1. Bail set ex parte by any judge of this Court shall be subject to modification by the judge before whom the defendant appears for arraignment.
2. All such applications shall be made only by defendant's attorney of record or the defendant appearing in propria persona.

(Added 10-23-93, eff. 1-1-94).

RULE 7.0150
REINSTATEMENT AND EXONERATION OF BAIL

- A. When a defendant who has posted a bail bond fails to appear for their scheduled court appearance, the judicial officer shall order a bench warrant to be issued and shall order the bail bond to be forfeited. The courtroom assistant shall reflect in the minute order that said orders were made.

When relief from the bail bond forfeiture has been ordered in accordance with PC 1305, the judicial officer shall impose a \$100 administrative fee pursuant to PC 1306(a) as a condition of relief, unless good cause is shown to waive the fee.

- B. In all instances wherein the Court orders bail reinstated, such order shall be made on the official form entitled "Reassumption of Liability by Surety."
- C. Motions to reinstate and exonerate bail bonds or bail deposits in all criminal cases where the defendant is not surrendered in Court, supported by appropriate declarations, affidavits, and points and authorities, shall be heard in a Division designated by the supervising criminal law judge, after required notice has been given.

(Adopted 10-23-93, effective 1-1-94; amended 10-17-98, effective 1-1-99; amended 4-28-06, effective 7-1-06).

RULE 7.0200
TRIAL READINESS CALENDAR/TRIAL DATE

- A. At the time of arraignment on a misdemeanor complaint, information or indictment, the Court will set at least two future appearance dates for each defendant. A trial readiness (TRC) date, at which time all counsel must be present and prepared to discuss and resolve the case, should be set within fifteen court days of arraignment. A jury trial date within the period set forth in Penal Code Section 1382 will be set.
- B. All trial counsel must be present at the trial readiness conference (TRC). The TRC is to be a sincere effort by the attorneys and parties to eliminate congestion of the trial calendar, so long as justice can properly be afforded to all parties. If the trial attorney fails to appear, the Court, may in its discretion, impose sanctions pursuant to statute or Rule 7.8000 herein.
- C. On the date set for trial, if the parties announce "Ready for Trial" the court assumes that:

1. The respective attorneys are prepared to commence the trial immediately;
2. All non-evidentiary pretrial motions and discovery have been completed;
3. All witnesses are readily available and have been interviewed by the respective attorneys;
3. The attorneys' calendars permit them to commence the trial immediately and see it to conclusion.

(Added 10-23-93, eff. 1-1-94; amend. 4-25-98, eff. 7-1-98).

RULE 7.0210
CLERK/FACSIMILE - FAX ARRAIGNMENT

- A. In misdemeanor cases, except wherein violations of probation, failures to appear when arrest warrants have been issued, defendants charged with violation of Penal Code " 192(c), 243.4, 273a, 273d, 273.5, 273.6, or 647.6, or violations of Vehicle Code " 23152 and 23153 (second or subsequent offenses is evidenced by Department of Motor Vehicle records) have been charged, private counsel, prior to a defendant's scheduled appearance date, may enter a plea of "Not Guilty" in a non-felony case and set a trial readiness calendar and jury trial date with the clerk of the court pursuant to Penal Code Section 977(a) and Rule 7.0200 herein. Counter or Fax Arraignments are permitted for misdemeanor cases with no outstanding warrants.
- B. At the time of such Clerk/Facsimile (FAX) Arraignment, the attorney must file a signed "O.R." release form unless bail has previously been posted. In addition, if appearing by facsimile transmission, the attorney must complete and submit the FAX form to the Clerk's office at the location in which the case is scheduled to be heard.

Court

Fax Number

Riverside Branch
4100 Main Street
Riverside, CA 92501

(951) 955-4007

Banning Branch
155 E. Hays Street
Banning, CA 92220

(951) 922-7150

Superior Court of California
County of Riverside

Hemet Branch
880 N. State Street
Hemet, CA 92543

(951) 766-2317

Indio Branch
46-200 Oasis Street
Indio, CA 92201

(760) 863-8114

Southwest Justice Center
30755-D Auld Road
Murrieta, CA 92563

(951) 304-5170

Blythe Branch
265 N. Broadway
Blythe, CA 92225

(760) 921-7942

- C. The filing of the appropriate documents is the sole responsibility of counsel. Any failure to complete the arraignment by the clerk shall be imputed to counsel. Any form later found to be defective, unsigned or incorrectly signed by the defendant will be sufficient cause for the court to withdraw the clerk or facsimile (FAX) arraignment privilege from the attorney.
- D. Once an attorney has entered a plea at the clerk/facsimile (FAX) arraignment, it will be conclusively presumed that the attorney represents the defendant in the case.
- E. Example of FAX form:

(Adopted 10-23-93, effective 1-1-94; amended 10-22-94, effective 1-1-95; amended 4-20-96, effective 7-1-96; amended 4-19-97, effective 7-1-97; amended 4-25-98, effective 7-1-98; amended 1-1-03; amended 7-1-03; area code corrected 1-1-05)

SUPERIOR COURT OF CALIFORNIA
County of Riverside

The People of the State of California vs. _____ Case # _____
Defendant D.O.B. _____
Address: _____
Violation(s) _____
Date of Offense: _____ Arraignment Date: _____

Attorney: I represent that I am authorized by defendant to, and do hereby enter my general appearance in this case on behalf of said defendant, enter a NOT GUILTY plea, WAIVE TIME for trial, agree that a duly-appointed Court Commissioner may act as a temporary judge for the purpose of this arraignment, AND do the following:

[] DEMAND jury trial [] WAIVE jury trial [] REQUEST court trial
Request interpreter (language): _____

I have read the Court Rules (7.0210) regarding FAX Arraignment and I make the representations and agreements required thereby. I further agree to appear on the date and time assigned by the Court as indicated below.

Attorney Information:

Name: _____ State Bar Number: _____
Firm: _____
Address: _____
Telephone Number: _____ FAX Number: _____
Attorney proposes the following dates for next appearance (within 30 days)

Signature: _____ Date: _____

COURT FAX NUMBERS:

Riverside	(951) 955-4007	Blythe	(760) 921-7942
Murrieta (SWJC)	(951) 304-5170	Indio	(760) 863-8114
Banning	(951) 922-7150		

FOR COURT USE ONLY

Set for Pre-Trial on _____ at _____ Dept. _____
Set for Jury Trial on _____ at _____ Dept. _____
Set for Court Trial on _____ at _____ Dept. _____

- ☐ 4100 Main Street, Riverside, CA 92501
- ☐ 265 Broadway, Blythe, CA 92225
- ☐ 46-200 Oasis Street, Indio, CA 92201
- ☐ 155 E. Hays Street, Banning, A 92220
- ☐ 30755-D Auld Road, Murrieta, CA 92563

Release status: ☐ Own Recognizance ☐ Bail Bond ☐ Cash Bail

Date Attorney and D.A. notified: _____

Arraignment Date Vacated:_____

RULE 7.0215

MISDEMEANOR AND FELONY IN-CUSTODY ARRAIGNMENTS

All new misdemeanor and felony complaints received for in-custody arraignment, which are to be heard on the same day, shall be filed no later than 11:00 a.m. Any complaint received after 11:00 a.m. shall be scheduled for arraignment on the following court day.

(Added 9-29-01, effective 1-1-02)

RULE 7.0250

**APPEARANCE IN MISDEMEANOR PROCEEDINGS
BY COUNSEL/OWN RECOGNIZANCE RELEASE**

- A. Notwithstanding the provisions of Section 977(a) of the Penal Code, a defendant charged solely with misdemeanor violations, who has been released on his/her signed promise to appear, and who appears at arraignment by counsel only, shall be required to execute and file with the Clerk of the Court an "Own Recognizance Agreement." Said "Own Recognizance Agreement" shall be in accordance with the provisions of Section 1318 of the Penal Code and shall be filed no later than the second court appearance or at a time so ordered by the Court.
- B. Pending the filing of the "Own Recognizance Agreement" as required in the foregoing section, the Court will order the issuance of a bench warrant for the defendant and will hold the release of said warrant until the date and time set by the Court. Failure to file the "Own Recognizance Agreement" by this time will result in release of the warrant.
- C. The Clerk of the Court shall maintain a supply of "Own Recognizance Agreement" forms and shall provide same to counsel upon request.
- C. An attorney appearing on behalf of an absent misdemeanor defendant pursuant to Penal Code Section 977(a) must have authority to accept a disposition offer from the prosecution. Absent written authorization filed by counsel to enter a guilty or no contest plea, and accept the imposition of judgment (including probation terms, fines and custody), the defendant shall appear in court at all pretrial hearings and trial.

(Added 10-23-93, eff. 1-1-94).

RULE 7.0255
REQUEST TO ADD A CASE ONTO CALENDAR

- A. Outstanding Warrants
On cases where there is a warrant outstanding, the defendant or attorney may check-in at 7:30 a.m. in the Clerk's Office to be added onto that morning's calendar.
- B. Probation or Diversion
On probation or diversion cases where the defendant, probation officer, or attorney is seeking to modify probation or reinstate a program prior to a warrant being issued, a Request to Calendar form (Form #OTS01) shall be completed and the hearing will be set within 10 court days.

If the request is received from the defendant or attorney in the Clerk's Office no later than 12 Noon, then the matter may be placed on calendar the next court day. Any request received after 12 Noon will be calendared within 10 court days.

- C. Extenuating Circumstances
If a case has no warrant and there are extenuating circumstances, to add the case onto the morning calendar, the Clerk's Office must obtain approval from the Judicial Officer in the department where the case will be assigned. The Judicial Officer will have the discretion to approve or deny the request.
- D. In-Custody Defendants
In cases where the defendant is "housed" in Indio's Jail and scheduled for a court appearance in Riverside/Murrieta or "housed" in Riverside or Southwest Jail and scheduled for a court appearance in Indio, the request will be calendared in two court days, at a minimum. The attorney is required to prepare a Declaration and Order for Transportation for the judicial officer's signature if the defendant is 'in custody'.

If the defendant is "housed" in Blythe Jail and scheduled for a court appearance in Riverside/Murrieta or "housed" in Riverside or Southwest Jail and scheduled to appear in Blythe, the request will be calendared in three court days, at a minimum.

This is necessary to allow sufficient notice to the Sheriff's Department for transportation of the defendant.

Requests to add a case onto calendar may be faxed.

(Added 9-29-01, effective 1-1-02; amended 5-20-05, effective 7-1-05)

RULE 7.0260

**ACCEPTANCE OF PLEAS AND IMPOSITION OF SENTENCE IN
THE ABSENCE OF DEFENDANT**

- A. A defendant who absents himself from a misdemeanor proceeding wherein a plea is entered through counsel and the pronouncement of immediate judgment is requested, must do so with full knowledge of the pendency of criminal proceedings. Further, the Court must be confident that the waiver of all rights, including the right to be present, is made knowingly and intelligently, and that acts of counsel are authorized by the defendant.
- B. To implement the foregoing policy, a declaration shall have been executed by the defendant and his attorney, and shall be filed at the time of entry of the plea and prior to pronouncement of judgment. Said declaration shall contain:
 - 1. An acknowledgment that the declarant is the defendant in the criminal proceedings and that declarant is aware of the charge(s);
 - 2. An express waiver of the defendant's presence for the entry of the plea of guilty or nolo contendere;
 - 3. An acknowledgment that the defendant has read and considered and the attorney has explained to the defendant each and every legal and constitutional right which the defendant is waiving. Further, an acknowledgment that the defendant understands each of the rights being waived. A written waiver of defendant's legal and constitutional rights which shall be attached as an exhibit to the Declaration.
 - 4. An acknowledgment that the defendant has been informed of, and understands, the provisions of 1016.5 of the Penal Code.
 - 5. A statement that the defendant is entering a plea of guilty or nolo contendere to specified charges.
 - 6. Sentencing
 - a. If defense counsel and the district attorney have negotiated a proposed sentence involving probation to be considered by the Court, the Declaration shall contain:
 - 1. An acknowledgment that the defendant understands that he/she is being placed on probation;

2. A written acceptance of the terms and conditions of probation which shall be an attachment to the Declaration;
 3. An express waiver of defendant's right to be present at the pronouncement of sentence; and
 4. An express waiver of time for imposition of sentence.
- b. If a proposed sentence has not been negotiated with the district attorney, and the Court grants probation, it shall be the responsibility of counsel to obtain the defendant's written acceptance of the terms and conditions of probation. This acceptance shall be filed by the date ordered by the Court.

C. The Clerk of the Court shall maintain an adequate supply of the Declaration and other forms required above and shall provide them to counsel upon oral or written request.

(Adopted 10-23-93, effective 1-1-94).

RULE 7.0270

ENTRY OF PLEA ON INFRACTIONS WITHOUT COURT APPEARANCE

Defendants charged with infractions may waive their right to appear before a judicial officer to enter a plea. However, the following infractions require a mandatory appearance:

22348(b) VC – Speed greater than 100 mph

23140(a) VC – Person under 21 years old driving with BAC .05 or more

12280(b) PC– Possession of assault weapon (as infraction).

(Adopted 4-30-04, effective 7-1-04)

RULE 7.0300

APPEARANCE IN FELONY PROCEEDINGS

A. Special limited appearances by defense counsel are not permitted.

- B. Section A, above, notwithstanding, pursuant to the provisions of Penal Code Section 987.1, defense counsel may limit his/her appearance to the preliminary examination and, if the defendant is held to answer on charges, to the initial appearance in superior court for arraignment on the information.

(Added. 4-1-95, eff. 7-1-95)

RULE 7.5000
CRIMINAL LAW AND MOTION

- A. All demurrers, motions, and other matters in connection with criminal actions and proceedings, shall be heard and determined in the department to which the case is assigned. Unless otherwise specified, all pretrial motions should be heard and decided prior to the pretrial conference date.
- B. All matters set on the motion calendar shall be in writing, and supported by appropriate declarations and Points and Authorities. Unless waived, written notice shall be served on opposing counsel and filed with the Clerk of the Court no less than ten (10) days prior to the date set for a hearing on the motion; and shall set forth an estimate of the time required for hearing said motion in the lower right hand corner of the first page.
- C. Motions to shorten the time for doing any of the acts set forth in this Title shall be supported by declarations of counsel setting forth good cause for such shortened period. In assessing good cause the court will consider factors set forth in Rule 7.5500 herein.
- D. Memoranda of Points and Authorities, exclusive of notice, declarations, evidentiary attachments and exhibits, shall not exceed ten (10) pages in length, except by permission of the Court upon ex parte application. Such application shall be accompanied by an attorney declaration setting forth good cause why the motion or opposition requires additional documentation, and setting forth the number of pages declarant believes necessary.
- D. All pretrial motions filed on behalf of defendants incarcerated in Chuckawalla Valley State Prison or Ironwood State Prison, shall be accompanied by a transportation order directing said defendant(s) to be brought to Court for the hearing.

(Added 10-23-93, eff. 1-1-94; amend. 4-25-98, eff. 7-1-98)

RULE 7.5050

ACCEPTING PHOTOGRAPHS FOR BULKY AND HAZARDOUS WASTE EXHIBITS IN LIEU OF ORIGINAL OBJECTS

The Executive Officer/Clerk of the Riverside County Courts will **not** accept bulky exhibits and exhibits designated as hazardous waste material. All controlled substances listed in Health & Safety Code Sections 11054, 11055, 11056, 11057, and 11058 are considered to be hazardous waste material.

Pursuant to Penal Code Section 1417.3(b) and upon a finding of good cause, certain toxic materials may be brought into a courtroom and introduced into evidence provided they remain at all times in a sealed condition. Unless otherwise ordered by the court, the person bringing the evidence into the courtroom shall retain it and shall be responsible for the storage of the evidence and for the substitution of a photograph, if required.

In the event the court does not order the substitution of a photograph and/or technical report for the actual controlled substance evidence, the evidence shall be stored by the agency delivering it into the courtroom until it is eligible for destruction.

Additional exhibits which are **not** to be sent to the courts' exhibits custodian, unless there is a court order for the court to retain them, include the following:

1. Any type of explosive powder.
2. Any explosive chemical such as toluene, ethane, etc.
3. Any explosive device such as a pipe bomb, hand grenade, etc.
4. Any flammable device such as a Molotov cocktail.
5. Any canister containing tear gas, mace, etc.
6. Any corrosive liquid.
7. Any rags soaked with any flammable liquid which is still damp or wet.
8. Dry P.C.P. in other than an airtight package, i.e., plastic.
9. Any liquid P.C.P.
10. Exhibits purporting to contain samples of blood, urine, human or animal fluids or tissues, or other items requiring refrigeration and/or humidity controlled storage.
11. All controlled substances as defined in Section 11007 of the California Health and Safety Code (which refers to schedules of controlled substances listed in H&S Sections 11054, 11055, 11056, 11057 and 11058) have been designated by the court as hazardous waste materials.

Exhibits which fall into one of the above classifications are **not** to be sent to the courts' exhibits custodian. Photographs, technical reports, or identical dummy objects shall be used in lieu of the original object. This rule shall not apply to capital cases.

(Added 4-25-98, eff. 7-1-98)

RULE 7.5100

MOTIONS TO SUPPRESS EVIDENCE PURSUANT TO PENAL CODE SECTION 1538.5

A. In Misdemeanor Cases:

1. The notice of motion shall specifically describe and list all evidence which is sought to be suppressed; and shall specifically state the legal theory or theories which are relied upon and urged for the suppression of evidence. Any memorandum of points and authorities shall include a brief summary of the facts and cite specific case authority in support of the theory or theories urged to support or oppose suppression of the evidence.
2. If counsel desires that the seized evidence be produced by the People at the time of hearing, the notice of motion shall contain an appropriate demand therefor.
3. At the time of arraignment, or no later than the first trial readiness conference (TRC), counsel shall indicate to the court his intention to file a motion to suppress and secure from the court a date and time for a hearing.
4. The court may, in its discretion, entertain the motion during trial, or vacate the trial date and return the case to pre-trial status, if it satisfactorily appears that prior opportunity for the motion did not exist or that defendant was not aware of the grounds for such motion.

B. In Felony Cases:

1. Prior to the preliminary examination, the motion may be in writing as set forth in Sections A.1 and A.2, above, and served upon the prosecuting agency at least ten days prior to the day of said examination unless time is expressly waived by the opposing party.
2. The motion may be made orally at the time of preliminary examination.
 - a. If the motion is made orally at the time of the preliminary hearing and a continuance is thereby necessitated, good cause is established pursuant to Penal Code Sections 859b and 1050.
 - b. The continuance granted pursuant to subsection (a) above shall not be less than 10 days to ensure sufficient notice to the People, and their witnesses, unless a shorter period is agreed upon by all parties.

- c. Prior to taking evidence, the moving party shall specifically state the evidence sought to be suppressed, the particular grounds that support the motion, and any authority upon which such party relies.
 - d. If counsel desires that the seized evidence be produced by the People at the time of hearing, the prosecuting agency shall be granted a reasonable period of time to comply with the request.
- 3. After the filing of the Information or Indictment, the motion shall be in writing as set forth in Sections A.1 and A.2, above.
 - a. Where the moving party intends to rely upon transcribed proceedings, the summary of facts shall contain references to such testimony, identified as to date, page and line numbers.
 - b. Where either party intends to present testimony, the notice or responding papers shall indicate the names of the witnesses to be called.
 - c. Any Penal Code Section 1538.5 motion in a criminal case not in conformity with this rule may be deemed by the court an admission that the motion is frivolous and without merit.

(Added 10-23-93, eff. 1-1-94).

RULE 7.5150
MOTIONS TO QUASH OR TRAVERSE WARRANTS

- A. All motions to Quash Search or Arrest Warrants, Subpoenas, or Subpoena Duces Tecum and Motions to Traverse Search or arrest Warrants shall be in writing supported by appropriate declarations and Points and Authorities. Said motions shall state with particularity the specific objection to the written documents. The absence of specificity in declarations and Points and Authorities in support of the Motion shall be deemed an admission by the moving party to a lack of merit in such motion.
- B. A motion to quash or traverse a warrant shall be served on opposing counsel and filed with the Clerk of the Court no less than ten (10) court days prior to the date set for hearing on the motion.
- C. The moving party shall file or attach to the moving papers a certified copy of the questioned warrant, affidavit in support thereof and return.

- D. All motions to quash or to traverse a search warrant shall be set and heard at least two weeks in advance of the original trial date.

(Added 10-23-93, eff. 1-1-94).

RULE 7.5200
SPEEDY TRIAL MOTIONS

- A. Motions to dismiss a complaint or information for lack of speedy trial must be supported by a declaration or affidavit of the defendant specifically stating the circumstances of the delay, the defendant's state of knowledge concerning the pending charges prior to the date of his/her arrest, the defendant's residence during the delay period, and any good cause which justifies the granting of the motion.

(Added 1-1-94)

RULE 7.5400
MOTIONS TO DISMISS PURSUANT TO P.C. 995

- A. Where motion to dismiss an information pursuant to Penal Code Section 995 is made and the judge assigned the case for trial presided as the magistrate in the preliminary examination, the case shall be referred to the Supervising Judge of the Criminal Division for the purpose of assigning another judge to hear the motion. If the motion is denied after a hearing on the merits, the case shall be assigned back to the former trial judge.
- B. All motions to dismiss an indictment or information pursuant to Penal Code Section 995 shall include:
1. A brief summary of the facts, with references to the transcripts of prior proceedings by page and line number.
 2. A statement of the issues, specifically identifying in what regard the People's case is defective.
 3. A memorandum of legal points and authorities upon which defendant(s) relies. (Mere citation to section of the California Penal Code or United States Constitution will be considered insufficient.)

- B. Responding points and authorities shall specify in what respects the alleged deficiencies are met or covered by the evidence, with references to the transcripts of prior proceedings by page and line number.

(Added 10-23-93, eff 1-1-94; amend. 10-17-98, eff. 1-1-99).

RULE 7.5500
MOTIONS TO CONTINUE

- A. No trial may be continued except upon a written motion establishing good cause pursuant to Penal Code Section 1050.
- B. Motions to Continue the trial date shall be supported by affidavits or declarations detailing specific facts showing good cause that a continuance is necessary. In a failure to establish good cause, the Court may consider sanctions pursuant to Penal Code Sections 1050 and 1050.5.
- C. In ruling on a motion to continue, the following factors will be considered:
 - 1. The time when the need for the continuance arose, and the diligence of counsel in bringing the need to the attention of the Court and opposing counsel at the earliest possible date and in attempting to avoid a continuance;
 - 2. The proximity of the motion to the trial date, the age of the case, the established time limits for processing cases, and the nature of any previous continuance or orders entered;
 - 3. Any injury or inconvenience caused to the party not requesting the continuance;
 - 4. Whether continuance may be avoided by substitution of attorneys or witnesses, or by the use of stipulation regarding testimony; and
 - 5. The earliest date all parties will be ready to proceed to trial.
- D. The following factors do not necessarily establish good cause for continuance:
 - 1. Convenience to or a stipulation between the parties;
 - 2. Failure to expeditiously prepare for trial;

3. Failure of client to adhere to a financial agreement with an attorney;
4. Settlement negotiations not yet completed, including the need to communicate an offer to a client appearing through counsel; and
5. Recent substitution of trial counsel.

(Added 10-23-93, eff. 1-1-94).

RULE 7.6000
SENTENCING STANDARDS

- A. At time for pronouncement of judgment of a defendant, the sentencing shall be in conformity with California Rules of Court 410, 412, 413, 421, 423, and 425 as they may apply to felony, misdemeanor and infraction cases.
- B. Consideration of plea in final disposition.
 1. It is proper for the court to grant charge and sentence concessions to defendants who enter a plea of guilty or nolo contendere when the interest of the public and the effective administration of criminal justice system would thereby be served. Among the considerations which are appropriate in determining this question are:
 - a. The defendant by his/her plea has aided in ensuring the prompt and certain application of correctional measures;
 - b. The defendant has acknowledged his/her guilt and shown a willingness to assume responsibility for his conduct;
 - c. The concessions will make possible alternative correctional measures which are better adapted to achieving rehabilitative, protective, deterrent or other purposes of correctional treatment, or will prevent undue harm to the defendant from the form of conviction;
 - d. The defendant has made a public trial unnecessary when there are good reasons for not having the case dealt with in a public trial;
 - e. The defendant has given or offered cooperation when such cooperation has resulted or may result in the successful prosecution of other offenders engaged in equally serious or more serious criminal conduct;

- f. The defendant by his/her plea has aided in avoiding delay in the disposition of other cases and thereby has increased the probability of prompt and certain application of correctional measures to other offenders.
- 2. The court shall not impose upon a defendant any sentence in excess of that which would be justified by any of the rehabilitative, protective, deterrent or other purposes of the criminal law because the defendant has chosen to require the prosecution prove his/her guilt at trial rather than enter a plea of guilty or nolo contendere.

(Added 10-23-93, eff 1-1-94).

RULE 7.6005
EXTENSIONS OF MINOR OFFENSE VIOLATIONS

A second extension (additional thirty days from request) shall be granted by the Clerk's Office on violations processed in the Minor Offense Divisions.

(Added 4-25-98, eff. 7-1-98)

RULE 7.6200
PROBATION REVOCATION

- A. When the court becomes aware that a defendant is on probation in another jurisdiction, the judge shall direct the Clerk/Administrator to notify the court in the other jurisdiction, when practical, of the new charge or conviction.
- C. The Court shall not promise anything with reference to the probation in the other jurisdiction, unless with the express consent of the other Court.

(Added 10-23-93, eff. 1-1-94).

RULE 7.7000
ORDER RE: CONVICTION SET ASIDE PLEA/DISMISSED PURSUANT 1203.4 & 1203.4a
OF THE PENAL CODE (FELONY/MISDEMEANOR)

- A. In all cases, any "Order re: Conviction Set Aside/Dismissed pursuant to 1203.4 PC & 1203.4a PC" for felony and misdemeanor cases shall be referred to the District Attorney for approval and/or objection.

- B. The District Attorney shall have 90 days from the date received to respond. Upon the expiration of the 90 days, and no response having been received by the clerk's office, the order shall be deemed approved by the District Attorney.
- C. The clerk shall then submit the order(s) for the Court's signature.
- D. It shall be the policy of the Court to require a filing fee in all misdemeanor cases. Said fee shall be established by Administrative Order.

(Added 4-25-98, eff. 7-1-98)

RULE 7.8000

SANCTIONS FOR UNEXCUSED ABSENCE OF ATTORNEY - CRIMINAL CASE

- A. An attorney's unexcused absence from a scheduled court appearance resulting in a bench warrant being issued for the client is an unlawful interference with the proceedings of the Court, and may be considered an contempt.
- B. If the court finds the excuse for non-appearance or late appearance insufficient, it may proceed with a contempt against the attorney; or at its discretion, assess the attorney an administrative fee to cover the court's costs in recalling the bench warrant, reinstating bail or "O.R." release, or correcting any order resulting from such attorney conduct. Said fee shall be sufficient to cover the clerical expense involved and shall be included in the Administrative Order covering Civil Court Fees

(Added 10-23-93, eff. 1-1-94).